

Hill Probe Sparked by Snepp Case

'Security Oaths' for U.S. Workers Widespread

By William Delaney
Washington Star Staff Writer

Apart from the highly publicized case of ex-CIA agent Frank W. Snepp III, uncounted thousands of federal employees in offices as dissimilar as the Treasury and Energy Departments routinely sign agreements not to reveal information they pick up on the job, according to a House Judiciary subcommittee memorandum.

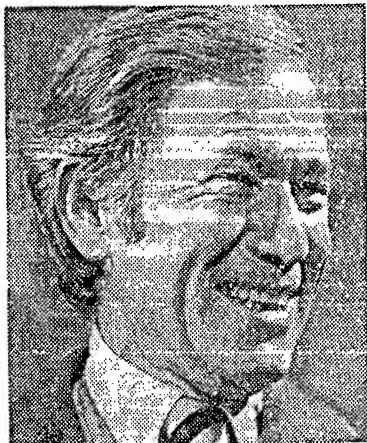
Intrigued by the government's civil prosecution of Snepp — whose profits on an unauthorized book about the CIA were ordered impounded Friday by a federal judge — California Democratic Rep. Don Edwards asked the staff of his subcommittee on civil and constitutional rights some time ago to check into the use of "security oaths" throughout the government.

The resulting 16-page memorandum, completed for Edwards last month, shows numerous such agreements in force at agencies ranging from the Nuclear Regulatory Commission to Treasury's Bureau of Governmental Financial Operations.

"The variety in the ways they word these things is interesting," observed one source. "All this memo is a quick study; it's certainly not definitive, but there appears to be no government-wide policy on how these agreements are worded."

AN AIDE SAID Edwards has no immediate plans for a hearing on the topic, but was investigating court decisions and other evidences as to how the government deals with the First Amendment rights of its employees.

On June 29 President Carter signed an executive order liberalizing the classification of government documents, but a White House aide said the new order does not appear to



REP. DON EDWARDS
Asked staff to check oaths

alter present agency policies on security oaths.

The Edwards subcommittee memo divides these oaths into two types:

- "One that acknowledges an obligation not to release classified information but does not itself require prepublication review." Such agreements often refer explicitly to the period after which the employee leaves government service.
- "The second type of agreement is more clearly a contract and addresses itself to pre-publication clearance."

In addition, some agencies require "security termination statements" in which departing employees promise not to divulge restricted data without approval from the agency.

CONFLICTING INTERPRETATIONS of the security oath Snepp took when he joined the CIA in 1968 and his termination statement when resigning in 1976 were at the heart of

the government's civil action against him before U.S. District Judge Oren R. Lewis in Alexandria.

Snepp contended that his termination statement modified his initial agreement to release no information obtained while he was a CIA employee and in fact permitted him to publish unclassified information without the agency's prior approval.

Lewis, however, held that the termination statement banned Snepp from releasing "any information concerning intelligence of CIA that has not been made public by CIA."

Lewis' ruling, which Snepp is appealing, requires the former agent to turn over to the government some \$60,000 in earnings (plus future royalties) from Snepp's book, "Decent Interval," a critical account of the agency's actions during the 1975 American evacuation of Saigon.

The Edwards subcommittee memorandum, reportedly assembled by a staff intern, includes the following agencies as requiring security oaths of some or all employees: the Departments of State, Defense, Treasury, Energy and Justice; the Agency for International Development; the International Communications Agency (formerly the U. S. Information Agency); the FBI; the Defense Intelligence Agency.

FOR EXAMPLE, the memo says all civilian and military personnel in the Office of the Secretary of Defense are required to sign, as a condition of employment, the following statement:

"I agree that I will never divulge, publish or reveal, either by word, conduct or by any other means, any classified information, intelligence or knowledge, except in the performance of my official duties and in accordance with the laws of the United

States, unless specifically authorized in writing in each case by the Secretary of Defense. . . .

"I understand that no change in my assignment or employment will relieve me of my obligation under this agreement and that the provisions of this agreement will remain binding upon me even after the termination of my service with the U. S."

Certain Energy Department employees must, according to the memo, swear upon leaving the department not to reveal "to any person any restricted data, formerly restricted data, or other classified information of which I have gained knowledge except as authorized by law, regulations of DOE, or in writing by officials of the DOE empowered to grant permission for such disclosure."

CIVILIAN DIA EMPLOYEES must swear to clear "all manuscripts, articles, speeches and papers" derived from their on-the-job information with the agency before discussing them with "any publisher, editor, literary agent or other unauthorized person."

A draft of Carter's recent executive order on the extent and duration of classifying government works contained a section reaffirming the authority of agencies to require security oaths of employees but that section was reportedly dropped with the Snepp case still pending.

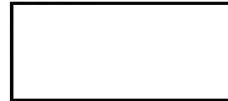
"That's a problem that still has to be dealt with," said one administration source.

The subcommittee memorandum indicates "no response" from the CIA as to its security-agreement practices. One source said the CIA promised to respond to the query when the Snepp case was over.

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TO BE FILED in the House Judiciary
Committee

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